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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/088,059 05/29/2002		05/29/2002	Frank Naumann	H 3939 PCT/US	6726
423	7590	06/23/2003			
HENKEL CORPORATION 2500 RENAISSANCE BLVD STE 200				EXAMINER	
				LAMM, MARINA	
GULPH MILLS, PA 19406				⇒ ART UNIT	PAPER NUMBER
				1616	$\overline{}$
				DATE MAILED: 06/23/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

10/088,059 NAUMANN ET AL.	
Office Action Summary Examiner Art Unit	
Marina Lamm 1616	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address	
Period for Reply	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	
Status	
1) Responsive to communication(s) filed on	
2a) This action is <b>FINAL</b> . 2b) This action is non-final.	
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims	
4)⊠ Claim(s) <u>19-38</u> is/are pending in the application.	
4a) Of the above claim(s) is/are withdrawn from consideration.	
5) Claim(s) is/are allowed.	
6) Claim(s) is/are rejected.	
7) Claim(s) is/are objected to.	
8) Claim(s) 19-38 are subject to restriction and/or election requirement.	
Application Papers	
9) The specification is objected to by the Examiner.	
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.	
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).	
11)☐ The proposed drawing correction filed on is: a)☐ approved b)☐ disapproved by the Examiner.	
If approved, corrected drawings are required in reply to this Office action.	
12) The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. §§ 119 and 120	
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).	
a)☐ All b)☐ Some * c)☐ None of:	
1. Certified copies of the priority documents have been received.	
2. Certified copies of the priority documents have been received in Application No	
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>	
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application	1).
a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	
Attachment(s)	
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	

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## **DETAILED ACTION**

## Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

- species of 2-nitro-p-phenylenediamine derivatives encompassed by formula (I).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

- 2. The following claim(s) are generic: 19, 23, 27-38.
- 3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: formula (I) encompasses a variety of 2-nitro-p-phenylenediamine compounds containing at least 1 and up to 4 five-membered rings which can

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be saturated, monounsaturated, polyunsaturated, unsubstituted or substituted with various atoms and groups. Even though, the core structure (i.e. 2-nitro-p-phenylenediamine) is the same, the number, structure and combination of substituents will produce patentably distinct species.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lamm whose telephone number is (703) 306-4541. The examiner can normally be reached on Monday to Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached at (703) 308-2927.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

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Marina Lamm

Patent Examiner AU 1616

6/22/03